

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

January 5, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, January 5, 2004, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted by the Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members C. Nelson Harris, William D. Bestpitch, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith-----5.

ABSENT: Council Members Alfred T. Dowe, Jr., and Linda F. Wyatt-----2.

(Council Members Dowe and Wyatt arrived at 9:15 a.m.)

OFFICERS PRESENT: Darlene L. Burcham, City Manager; Gary E. Tegenkamp, Assistant City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council; and to interview applicants for one vacancy on the Roanoke City School Board, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request to convene in a Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Cutler, Fitzpatrick, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt had not entered the meeting when the vote was recorded.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Cutler, Fitzpatrick, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt had not entered the meeting when the vote was recorded.)

PURCHASE/SALE OF PROPERTY-CITY PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Wyatt had not entered the meeting when the vote was recorded.)

At 9:10 a.m., the Mayor declared the meeting in recess for a Closed Session to interview School Board applicants in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building.

(At 9:15 a.m., Council Members Wyatt and Dowe entered the meeting.)

At 11:40 a.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: With respect to the Closed Session just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-SCHOOLS: The Mayor advised that there is a vacancy on the Roanoke City School Board to fill the unexpired term of Melinda J. Payne, resigned, ending June 30, 2004, and called for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Alvin L. Nash.

There being no further nominations, Mr. Nash was appointed as a Trustee of the Roanoke City School Board, for a term ending June 30, 2004, by the following vote:

FOR MR. NASH: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

At 11:45 a.m., the Council reconvened in Closed Session in the Council's Conference Room.

At 11:55 a.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: With respect to the Closed Session just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-BUILDINGS/BUILDING DEPARTMENT: The Mayor advised that the term of office of Peter W. Clapsaddle as a member of the New Construction Code expired on September 30, 2003, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Peter W. Clapsaddle.

There being no further nominations, Mr. Clapsaddle was reappointed as a member of the New Construction Code, for a term ending September 30, 2008, by the following vote:

FOR MR. CLAPSADDLE: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE: The Mayor advised that the term of office of Sheri Bernath as a City representative to the Blue Ridge Behavioral Healthcare, Board of Directors, expired on December 31, 2003, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Sheri Bernath.

There being no further nominations, Ms. Bernath was reappointed as a City representative to the Blue Ridge Behavioral Health Care, Board of Directors, for a term ending December 31, 2006, by the following vote:

FOR MS. BERNATH: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

COMMITTEES-PARKS AND RECREATION: The Mayor advised that there is a vacancy on the Parks and Recreation Advisory Board to fill the unexpired term of Anita L. Lee, resigned, ending March 31, 2004, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Gwendolyn W. Mason.

There being no further nominations, Ms. Mason was appointed as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2004, by the following vote:

FOR MS. MASON: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

COMMITTEES-GREENWAY SYSTEM: The Mayor advised that there is a vacancy on the Roanoke Valley Greenway Commission to fill the unexpired term of Brian M. Shepard, resigned, ending June 30, 2004, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Talfourd (Fourd) H. Kemper, Jr.

There being no further nominations, Mr. Kemper was appointed as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2004, by the following vote:

FOR MR. KEMPER: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

COMMITTEES-TOWING ADVISORY BOARD: The Mayor advised that there is a vacancy on the Towing Advisory Board, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Walter T. Hinkley.

There being no further nominations, Mr. Hinkley was appointed as a member of the Towing Advisory Board, for a term ending June 30, 2006, by the following vote:

FOR MR. HINKLEY: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

Inasmuch as Mr. Hinkley is not a City resident, Mr. Bestpitch moved that the City residency requirement be waived. The motion was seconded by Mr. Harris and unanimously adopted.

COMMITTEES-ARCHITECTURAL REVIEW BOARD: The Mayor advised that there is a vacancy on the Architectural Review Board, to fill the unexpired term of Kyle G. Ray, resigned, ending October 1, 2006, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Barbara A. Botkin.

There being no further nominations, Ms. Botkin was appointed as a member of the Architectural Review Board, for a term ending October 1, 2006, by the following vote:

FOR MS. BOTKIN: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

COMMITTEES-HUMAN DEVELOPMENT-JUVENILE CORRECTIONAL FACILITIES: The Mayor advised that there is a vacancy on the Human Services Committee to fill the unexpired term of Vickie L. Price, resigned, ending June 30, 2004; a vacancy on the Roanoke Interagency Council to fill the unexpired term of Vickie L. Price (ex-officio member); a vacancy on the Advisory Board of Human Services (ex-officio member) due to the resignation of Vickie L. Price; and a vacancy on the Roanoke Valley Juvenile Detention Center Commission, to fill the unexpired term of Vickie L. Price, resigned, ending June 30, 2006; whereupon, he opened the floor for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the name of Jane R. Conlin to fill the above referenced vacancies.

There being no further nominations, Ms. Conlin was appointed as a member of the Human Services Committee, for a term ending June 30, 2004; a member of the Roanoke Interagency Council (ex officio); and member of the Advisory Board of Human Services (ex officio); and a member of the Roanoke Valley Juvenile Detention Center Commission, for a term ending June 30, 2006, by the following vote:

FOR MS. CONLIN: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, and Mayor Smith-----7.

At 12:00 noon, the Mayor declared the Council meeting in recess, and advised that Council would reconvene at 12:05 p.m., in Room 159, Noel C. Taylor Municipal Building, for a joint meeting of Council and the Roanoke City School Board.

At 12:05 p.m., the Council meeting reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, for a joint meeting of Council and the Roanoke City School Board, with Mayor Smith and School Board Chair Gloria P. Manns presiding.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

SCHOOL TRUSTEES PRESENT: William H. Lindsey, Robert Sparrow, Kathy G. Stockburger, David B. Trinkle, Ruth C. Willson and Chairperson Gloria P. Manns----6.

ABSENT: None-----0.

OFFICERS PRESENT: Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; and George C. Snead, Jr., Assistant City Manager for Operations.

Representing the Roanoke City Public Schools: E. Wayne Harris, Superintendent; Richard A. Kelley, Assistant Superintendent; and Cindy L. Lee, Clerk.

The Mayor advised that the purpose of the meeting was to discuss the new City Stadium and enhanced Council/School Board relationships.

Mayor Smith announced that earlier in the day, Council interviewed applicants for the vacancy on the School Board created by the resignation of Melinda J. Payne, and it was the unanimous decision of Council to appoint Alvin L. Nash to fill the unexpired term ending June 30, 2004.

At this point, Mr. Nash entered the meeting.

SCHOOLS-STADIUM: Mr. Snead gave a presentation regarding the surface and maintenance of the artificial turf field proposed for the new City Stadium. He stated that the design of the proposed stadium is specifically for high school football and soccer, and can accommodate Division III College activities; architects used a process involving users or stakeholders in the conceptual design to make sure that from a players', coaches', game officials', media and spectators' perspective, the facility would be of quality and afford an enjoyable experience; and early in the design stage, coaches, athletic directors, and school administrators were directly involved and visited facilities at various locations to see first hand what artificial turf products were like and what the real experience was at both the high school and college levels. He advised that the projected cost for the artificial turf is about \$200,000.00 more than natural grass; the City Manager corresponded with the Superintendent of Schools in October 2003 asking that the school administration consider making a contribution of \$200,000.00 toward the purchase of artificial turf; and the matter was discussed with the School Board in November 2003. Examples of artificial turf products, both recommended and not recommended, were available for examination.

Charles Anderson, Project Engineer, presented an overview regarding the artificial turf issue.

BACKGROUND OF PROJECT:

- City/School Design Team participants included Richard Kelley, Annie Harmon, Kevin Clifford, John Harris, Woody Deans, George Miller
- May 2003 – Presentation with Natural Turf Specialist (Dr. Erik Ervin, Virginia Tech) and manufacturer's representative (Kenny Schroy, FieldTurf)
- August 2003 – Visit to high schools and colleges/universities with artificial turf installations
- August 2003 – Review of findings from field visit with City/School Team

VISIT TO FACILITIES WITH ARTIFICIAL TURF INSTALLATIONS IN AUGUST 2003:

- City/School Team:

George Miller, Assistant Principal, William Fleming High School
Woody Deans, Athletic Director, Patrick Henry High School
John Harris, Athletic Director, William Fleming High School
Chip Snead, Assistant City Manager
Gary Hegner, Parks & Recreation
Charles Anderson, Division of Engineering

- Facilities the team visited:

Eight High Schools/Colleges/Universities were visited – nine fields were examined

James Madison University, Harrisonburg, VA (AstroTurf)
Ringgold High School, Monongahela, PA (FieldTurf)
Jefferson & Washington College, Washington, PA (FieldTurf)
Duquesne University, Pittsburgh, PA (AstroPlay and AstroTurf)
Pine Richland High School, Gibsonia, PA (AstroPlay)
Penn-Trafford High School, Harrison City, PA (FieldTurf)
Norwin High School, North Huntingdon, PA (AstroPlay)
West Virginia University, Morgantown, WV (AstroPlay)

CONTACTS AND DISCUSSIONS WITH COACHES, ATHLETIC TRAINERS AND CURRENT AND FORMER PLAYERS:

Aesthetics

Sharp, crisp appearance

Lines/markings for football and soccer are permanently imprinted in field

Uniformity of color in field, lines and markings

Maintains appearance regardless of weather conditions

Description of Turf Systems

NOT "AstroTurf"

Performance of athletes

Samples of artificial turf surfaces

Drainage Characteristics

Artificial turf systems designed to permit very positive drainage (up to 40-inches per hour)

Use and Scheduling

Drainage capability allows for continuous play – significant rain events will not cancel/postpone games

Field at Penn-Trafford High School in Pennsylvania was used for 195 events during a single Fall season (middle and high school PE program, girls and boys soccer, middle and high school football program, and public use – 24/7 operation)

Physical Injuries

No noticeable differences reported between natural and artificial systems – in fact, some coaches/athletic trainers indicated lowered injury rates on artificial systems

No special shoes required (as with AstroTurf-type systems)

Maintenance

Natural turf systems require significantly more equipment than artificial systems (i.e. mowers, spreaders, aerators, etc. versus a "groomer")

Natural turf systems require significantly more manpower than artificial systems (one-to-two full time plus one-to-two part time staff versus one operator for groomer)

Natural turf systems require materials for on-going maintenance (i.e. seed, fertilizer, weed killers, lime, etc.) – artificial system does not

Natural turf systems require irrigation - artificial systems do not

Why Seek Additional Funding from School Board

Cost of proposed Stadium-Amphitheater - \$10-million for stadium, \$4-million for amphitheater

Capital project – ALL costs must be included within project budget – cannot “defer” upfront (installation) costs with assumed future savings from maintenance

SUMMARY

PERFORMANCE OF ATHLETES ENHANCED

PHYSICAL INJURIES REDUCED

USE & SCHEDULING ENHANCED

AESTHETICS ENHANCED

MAINTENANCE COSTS REDUCED

Mr. Dowe inquired about protection of the turf when using the facilities for entertainment purposes and associated costs; whereupon, Mr. Anderson advised that there would be special protection afforded to surfaces where sound equipment, special lighting equipment, or chairs would be placed, regardless of whether it is artificial or natural turf.

Mr. Cutler inquired about the cost savings in maintenance and life expectancy of the artificial turf as opposed to natural turf; whereupon, Mr. Anderson replied that overall, the City would come out ahead with maintenance features, \$15,000.00 to \$20,000.00 has been built into the budget for maintenance costs of natural turf, and maintenance of the artificial turf would probably be about one-third of that cost; and artificial systems have lasted about seven years, with only the artificial turf itself needing to be replaced. He referred to Ringgold High School's facilities and the life expectancy of that particular turf is ten years.

Mr. Cutler inquired whether water collected from the drainage of the field could be recycled and used for landscaping similar to the way the City currently uses some storm water; whereupon, Mr. Anderson replied that the drain lines under the field would divert the water to a single collection pipe that would extend off to the side and connect to the storm drain system, and drainage water could be recycled.

Mayor Smith asked, in comparing the two systems, at what point does the difference between the two begin, at the soil base or the last inch or two of the field. Mr. Anderson explained that there is a need for a nine inch base of stone and soil for natural grass, and about a 16 inch base, depending on the mat system, for artificial turf; and the system does not employ any dirt, but basically comes off the sub-grade, with a layer of stone, then basically develops a third system for the carpet of artificial turf to lay on.

Mayor Smith asked for the dimensions of the carpet and how it works beyond the foul lines; whereupon, Mr. Anderson explained that given the nature of the field and its design, the foul lines would be on the east and west sides, all of that area would be artificial turf, and anything around that area would be natural grass. Mayor Smith asked if they were measuring in square yards and how many would be needed; whereupon, Mr. Anderson replied that it was measured in square yards, similar to regular carpet, and a figure of about 90,000 square feet is estimated to be needed.

Mayor Smith stated that the difference in cost for the artificial turf would be \$200,000.00, and asked what estimate of maintenance cost savings could be demonstrated by using artificial turf, as opposed to natural turf. Mr. Anderson replied that a schedule for maintenance and costs could be drafted in the future.

Mayor Smith mentioned that for certain events, additional costs would be incurred, and asked about repairing the turf when stakes have to be driven into the artificial turf for tents, and whether this type of event would be permitted. Mr. Anderson replied that he was not sure how such a situation would be handled, or whether or not a special grid would be necessary. He also stated that a tarp would be used to protect the surface for special events.

Ms. Stockburger advised that all examples given were single site school yards and college practice fields, the reality is that participants will be practicing on natural fields and playing on artificial turf, and asked if there is any difference in practicing on natural turf and playing the actual game on artificial turf. Mr. Anderson replied that there is some difference in the playing surface, students at the University of West Virginia have played on both and state that the two surfaces play very much alike, although artificial turf is preferred. Ms. Stockburger further stated that it would be helpful for the School Board to have information regarding cost savings over a five-ten year period using artificial turf over natural turf.

Mr. Bestpitch inquired if the drainage system would be constructed below the level of stone. Mr. Anderson replied that there would be a special drainage system, with devices that channel the water down through the gravel into specific sites, similar to Virginia Tech's field drainage system.

Following further discussion, it was noted that an area of concern would be driving vehicles over the field surface. A question was raised about the bids received and whether or not the committee liked the products that were bid, and the types of warranties that were offered, etc. Mr. Anderson replied that the committee is satisfied with the product and the amounts offered for the artificial surface.

Vice-Mayor Harris inquired as to the opinion of football coaches and athletic directors as to their support or non-support on the issue of using natural turf as opposed to artificial turf. Mr. Anderson responded that all six members of the team were in agreement to use artificial turf.

Mr. Snead commented that part of the challenge with maintaining any athletic field is based on three factors: (1) how well the field is built; (2) how heavily the field is used; and (3) what the weather is like. He stated that good weather allows for more use, but early season games damage the natural turf and maintenance is an uphill battle; the growing season has ended in the Fall which prohibits grass repairs; and the team tried to create a realistic budget based on use and weather.

Mr. Dowe stated that statistics have shown that injuries are far less on natural turf, but a field that feels like natural grass will play like natural grass, thus the cost factor of maintenance tends to fade.

Mr. Snead advised that coaches at Ringgold High School stated, without question, that the field had held up over seven years of play and is just as good now as it was when it was installed; installation of any system is critical because everything is built in layers, the most critical factor being the smoothness of the playing field inasmuch as it gives the player the sensation of being on natural grass, and any undulation would deter from the quality of the field.

Mayor Smith expressed concern that using artificial turf would greatly limit the multi-use of the facility, and suggested that there be a way to compromise in order to sponsor other events, such as those that may need to place stakes into the ground or use a track for running, and asked if there would be restricted areas that could be created differently in order to utilize the entire facility.

The City Manager addressed the "Relay for Life" event which is sponsored annually by the American Cancer Society at Victory Stadium. She advised that the organization understands the new facility will not have a track, and their plans do not include holding the "Relay for Life" event at the new stadium because of the absence of a track; and the issue for the Cancer Society is not the place where the tents are to be located, but the use of a track or the walk itself which is the major event. She commented that other stakeholders participated early on in the design process, such as Festival in the Park and others who use the current Victory Stadium site, and their issues have been addressed through the design phase; informally, she has mentioned to the "Relay for Life" coordinators the proposed renovations/replacement of the two high schools that are planned over the next six years, and the school system plans to include tracks at both facilities. She also referred to preliminary discussions between the City and other entities about the possibility of a regional track facility, but the location has not been addressed; and "Relay for Life" representatives understand that the City's construction schedule for the new stadium is such that they would remain at the Victory Stadium site for at least the next two years or longer.

The Director of Civic Facilities reviewed the following information:

WHAT IS THE PURPOSE OF THE NEW STADIUM?

The stadium is being built to provide a unique venue primarily for high school football and soccer.

Approximately 10-15 football games are expected to be played in the new stadium.

This year, 11 football games were played at Victory Stadium. Football season which takes place in the Fall includes regular, regional and playoff games.

Approximately eight - ten soccer games are expected to be played in the new stadium.

This year, four games were played at Victory Stadium. Soccer games are played during the Spring season.

HOW ELSE WILL THE STADIUM BE USED?

Western Virginia Education Classic (WVEC Classic) is played in the Fall.

High school band and cheerleading competitions are possible uses for the stadium.

WILL HIGH SCHOOLS BE ABLE TO PRACTICE AT THE STADIUM?

High schools may practice on the day before a game.

A nominal fee will be charged for practices; however, a fee schedule will be determined at a later date.

WHAT IS THE PURPOSE OF THE AMPHITHEATER?

Performances that would not otherwise come to Roanoke during Spring and Summer months would have an excellent venue to provide quality entertainment for the City, while the City generates additional revenue to offset debts.

An estimated six - eight events could include the following:

Country Western concerts, rock concerts, rhythm and blues concerts, symphony pops concerts, religious programs and special events.

HOW WOULD EVENTS BE SCHEDULED?

Performances are scheduled 13 - 15 weeks in advance in order to promote the event.

Special events, such as Music for Americans, is usually scheduled 10 - 12 months in advance for planning purposes.

Football is scheduled late in Winter following the previous season.

Soccer is scheduled in late Winter/early Spring.

DO YOU ANTICIPATE SCHEDULING CONFLICTS?

Conflicting schedules are not anticipated due to the time of use for school events versus performances.

Performances would take place between late May and early September.

Football starts in late August.

Soccer starts in early Spring (March, April).

High school events would have first priority.

WHAT IS THE PROPOSED COST FOR USE OF THE STADIUM?

We are beginning to draft policies and rates, but we are not prepared to present them at this time.

We will work with the Athletic Directors, coaches and principals to develop these policies.

Rates will increase.

Maintenance of artificial turf will cost less; however, overall maintenance of the facility would increase.

WILL BOOSTER CLUBS HAVE CONTROL OF CONCESSIONS?

Booster Clubs will not control concessions.

Volunteer groups may participate in concession sales and earn commissions from sales.

A question was raised regarding the construction schedule and at what point will a decision have to be made on artificial versus natural turf; whereupon, Mr. Anderson advised that knowing the School Board's position is particularly important because of the issue of the growing season for natural turf which will make a lot of difference for football scheduling.

Dr. Trinkle referred to other events that are scheduled, and inquired if they would decrease operating costs for school events. The City Manager advised that events anticipated for use of the amphitheater portion of the new facility would obviously have a revenue producing capability that the City does not currently have from high school football, the percentage would depend on the number of games that are played for either high school football or soccer, and the percentage of usage might roughly remain the same. She referred to a chart showing that 54% of all use is directed toward the schools, but a revenue producer, or the balance of that, could make the overall budget deficit different than it is today. She stated that today the City is recovering a very small portion of the costs of maintaining Victory Stadium, because just about every event at Victory Stadium is a non-profit event, such as "Relay for Life", the "Western Virginia Classic", "Music for Americans", or high school football and soccer use, none of which produce revenues for the City; the amphitheater has the ability to produce revenues to offset the lions share of the operating expenses, with the exception of those special expenses that might relate to high school football; and it is anticipated that the budget for the stadium/amphitheater operations would be larger than the budget for Victory Stadium.

Dr. Trinkle inquired if there is a sense as to how much it will cost the school system to use the new facility; and whether the price goes up or down, it would be helpful to have a ballpark figure of costs, both with the field turf and without the field turf.

The City Manager advised that an operating budget for the facility will be prepared in the near future, but a decision with regard to artificial versus natural turf will play a significant part in determining the operating budget, with the costs associated with natural turf being higher. She stated that for less than \$15,000.00, the school system has gotten a great bargain, and with the first-class facility that will be constructed there should be an expectation of a small increase in cost. She advised that it is hoped that there will be such a quality product that the additional cost will not deter anyone from using the facility. She added that it is envisioned that the facility will be of such quality that neighboring jurisdictions will ask to use the facility for different types of activities. She stated that high school graduations are typically held outdoors, as opposed to indoor kinds of facilities, and the new stadium/amphitheater may be a venue to move high school graduations from an indoor activity to an outdoor activity; many other uses are possible, but staff has not been in a position to address the operating budget at this point because a decision has not been made regarding natural versus artificial turf.

An observation was made that in maintaining the stadium, the savings would be realized by using artificial turf. The City Manager stated that overall operating maintenance would be less with artificial turf; the budget for Victory Stadium for the last several years has increased substantially as a result of trying to do a better job with the existing field, which does not have a system for runoff, and the City has tried to put more investment into the field to provide better playing conditions for the high schools until other arrangements are made. However, she stated that in all likelihood, the operating budget for the new facility will be more than the current budget, but some of the costs will be offset by a reduction in maintenance costs.

The City Manager added that at least for the immediate future, the idea of about 50% usage by Roanoke's high schools is a reasonable figure.

Mr. Bestpitch stated that the figure that was identified as total charges for school sporting events for 17 dates was a little over \$14,500.00, and inquired if staff has a ball-park estimate as to what the school system would have expended to maintain its own athletic facilities. The City Manager responded that no figures are presently available and staff will try to provide the information.

Mayor Smith advised that the school system is thinking about using the facility primarily for football and soccer and inquired as to how much of a handicap will be created if the facility is used for other types of events, how many events are now held at the Victory Stadium facility that cannot be held at the stadium/amphitheater, and the cost of repairing the turf surface when events are scheduled that require some form of penetration to the surface. He stated that if a number of major events cannot be held at the new facility, it does not matter how much of a bargain the artificial turf becomes if it limits the use of a very expensive facility.

Mr. Fitzpatrick advised that once the facility is completed, there will be new opportunities and requested that City staff provide their vision as to what the facility can ultimately be, both in terms of the positives and the negatives. He stated that the schools need to make a decision soon on the surface turf issue, but the bottom line is the necessity to do the right thing for Roanoke's students.

Chairman Manns advised that there are questions in regard to not only the maintenance fees, but any additional fees that could be incurred.

(No action was taken.)

Inasmuch as the regular meeting of Council will convene at 2:00 p.m., the Mayor declared the joint meeting of Council and the School Board in recess at 1:55 p.m.

At 2:00 p.m., on Monday, January 5, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Monsignor Thomas G. Miller, Pastor, St. Andrews Catholic Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGEMENT: Mr. Harris offered the following resolution recognizing the service of the Honorable A. Victor Thomas, Member, Virginia House of Delegates:

(#36586-010504) A RESOLUTION paying tribute to A. Victor Thomas, a member of the Virginia House of Delegates, and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Harris moved the adoption of Resolution No. 36586-010504. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced measure to Mr. Thomas and advised that further acknowledgements of his service will be presented at a luncheon to be held in his honor on January 26, 2004.

ACTS OF ACKNOWLEDGEMENT: Mr. Cutler offered the following resolution recognizing the service of the Honorable Clifton A. Woodrum, III, Member, Virginia House of Delegates:

(#36587-010504) A RESOLUTION paying tribute to Clifton A. "Chip" Woodrum, III, a member of the Virginia House of Delegates, and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Cutler moved the adoption of Resolution No. 36587-010504. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced measure to Mr. Woodrum and advised that further acknowledgements of his service will be presented at a luncheon to be held in his honor on January 26, 2004.

ACTS OF ACKNOWLEDGEMENT-SCHOOLS: Mr. Dowe offered the following resolution recognizing the accomplishments of the William Fleming High School Football Team who played against the undefeated Powhatan Indians for the VHSL Group AA Division 4 Title at Liberty University on Saturday, December 13, 2003. He advised that the team represented Roanoke with the highest level of performance, sportsmanship and pride in adverse weather conditions and played to the best of their abilities in being defeated 6-0:

(#36588-010504) A RESOLUTION paying tribute to the William Fleming High School Football Team for its participation in the 2003 VHSL Group AA Division 4 Football championship.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36588-010504. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced measure to Coach Keith Smith.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item will be removed from the Consent Agenda and considered separately.

BUSES-AUDIT COMMITTEE: Minutes of the meetings of the Greater Roanoke Transit Company Audit Committee and the Roanoke City Audit Committee held on Monday, December 15, 2003, were before Council.

Mr. Dowe moved that the minutes be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

CITY TREASURER-CLERK OF CIRCUIT COURT: The following reports of qualification were before Council:

Evelyn W. Powers as Treasurer of the City of Roanoke, Virginia, for a term commencing January 1, 2004, and ending December 31, 2005; and

Brenda S. Hamilton as Clerk of the Circuit Court of the City of Roanoke, Virginia, for a term of eight years, commencing January 1, 2004.

Mr. Dowe moved that the reports of qualification be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

SCHOOLS: Marsha Christi and Doris Ennis, representing teachers and administrators of the Roanoke City Public School System, presented communications signed by administrators and teachers advising that they have directly felt the impact of the negative press and the continued rehashing of concerns within Roanoke's school system; the barrage of negativity has caused teachers and administrators to question their ability to make a difference and students to question their potential; and if the current tenor continues, Roanoke City will neither attract nor retain quality applicants for teaching positions, local businesses will no longer attract qualified employees, and eventually the tax base will not be able to support the school system, therefore, they wish to avoid this destructive urban trend.

It was further advised that recently an administrator attended a conference in another part of the state and was offered sympathy because of where she worked; students have asked if they attend bad schools; children should be proud of where they go to school and staff should boast about where they work; and teachers and administrators are proud of their association with Roanoke City Schools and need for Council, as leaders in the community, to help restore that sense of pride for parents, staff and students.

Ms. Christi and Ms. Ennis stated that they were present to solicit Council's support and to share ideas for reversing the direction; by expecting and exploiting negativity, it becomes reality, therefore, it is time to promote the achievements of Roanoke's students and the progress that Roanoke's schools are making toward educating all children, regardless of their background, race or economic status. They encouraged Council to attend school functions and to celebrate accomplishments of students, to visit classrooms, to attend athletic events, to participate in administrative or faculty meetings and to join Parent-Teacher Associations; and with first hand experience, Council can help to send the message that Roanoke has dedicated employees, exceptional students and diverse schools that prepare students to be productive citizens of the Roanoke Valley.

Council was requested to empower the School Board with its support; to entrust the School Board to do its job in overseeing the money that is appropriated by Council for the schools; and Council Members can help the situation by selecting a School Board member who can build bridges, repair relationships and build consensus, a person who is respectful of diversity and is a team player, a person who will promote Roanoke's schools and help to work toward solutions to issues and offer positive direction for the Superintendent and administrative staff.

As community leaders, they advised that Council can also help by stepping to the forefront to sell the positives about Roanoke's schools; encourage business and the news media to follow Council's lead; and Roanoke's children look to Council for affirmation and teachers and administrators look to Council for leadership. They requested that Council be thoughtful before issuing public criticism of Roanoke's schools, and empower City educators with Council's encouragement; the School

Board and the Superintendent have fashioned exceptional programs as evidenced by advances in technology and progress toward full accreditation and student achievement; the Superintendent has set high standards for student achievement and staff performance; and Council's continued support as the school system works toward these standards is needed.

In closing, Ms. Christi and Ms. Ennis advised that public schools open the world of possibility for many children and that cannot be taken away from Roanoke's children under the guise of "identifying problems"; mistakes have been identified and it is now time to look to the future, to build a spirit of cooperation and to nurture growth. They asked that citizens of the community be empowered to move forward with their public expressions of confidence in Roanoke's schools; and advised that teachers and administrators are proud to work in Roanoke City Schools, they believe in the value of public education and they believe in the school system and in the potential of Roanoke's children.

Council Member Wyatt advised that Alvin L. Nash was appointed earlier in the day to fill the unexpired term of Melinda J. Payne as a Trustee of the Roanoke City School Board. She stated that at no time, either publicly or privately, has she heard any Member of Council make disparaging remarks about Roanoke's schools, teachers or students; and Council's goal is the same as teachers and administrators – to make Roanoke's school system the very best it can be. She challenged administrators to be supportive of teachers as they do their jobs because that is the level where the difference will be made.

Council Member Fitzpatrick emphasized the importance of supporting the School Board, teachers, administrators and students. He commended educators on the challenge that they face in today's world and expressed appreciation for all they do on behalf of Roanoke's children.

Council Member Dowe advised that Council believes in Roanoke's school system administrators, teachers and students, and expressed appreciation for their many contributions.

The Mayor advised that Roanoke's school system is entrusted with millions of dollars annually, but even more important, the school system is entrusted with the lives and the future of over 13,000 young people, and he trusts that everyone will continue to fight in the best interests of Roanoke's young people.

TEEN PREGNANCIES: Dr. Sherry Hartman, representing the Roanoke Teen Pregnancy Prevention Initiative, presented a briefing on the project.

She advised that recent youth risk behavior survey results of Roanoke City Public Schools regarding students in grades six, eight, ten and twelve, show that Roanoke City students report a higher percentage than the national average in having had sexual intercourse, engaging in sexual intercourse before the age of 13, having four or more partners, and engaging in sexual activity in the last three months.

She further advised that the impact for Roanoke can be seen in the 2001 teen pregnancy rate of 47.6 per 1000 females 10 - 19 years of age; although recent data from the Center for Disease Control show that the national teen pregnancy rate is at an all time low, Roanoke remains considerably higher than the statewide rate of 29.7 per 1000 females and the healthy people 2101 target of 43 per 1000 females; and out of the 135 counties/cities in Virginia, Roanoke has the 17th highest teen pregnancy rate.

Dr. Hartman stated that the effect of teen pregnancy on the City of Roanoke can be viewed as having community wide consequences; i.e.: teen parents are more likely to need public assistance, abuse or neglect their children, never complete high school and have fewer employment skills, and babies born to a teen parent are at greater risk of premature birth defects, lower IQ's, low birth weight, and learning and emotional disabilities.

It was noted that Roanoke is taking a pro-active approach in addressing these challenges through the Roanoke Teen Pregnancy Prevention Project; the project funds three programs: the Teen Outreach Program, For Males Only, and the Roanoke Adolescent Health Partnership; overall evidence suggests that the Roanoke Teen Pregnancy Prevention Project continues to have a positive impact on teen pregnancy rates in the City; according to data from the Virginia Department of Health, the pregnancy rate in Roanoke has steadily declined from a high of 97.1 per 1000 females in 1991 to 47.6 per 1000 females in 2001; according to the legislative report form VDH (2002), the Roanoke Health District has experienced an average decrease in teen pregnancy rates of 6.8 per cent, the most significant average decrease per year of all seven VDH Teen Pregnancy Prevention Initiative programs; and this decline indicates that programs such as the Roanoke Teen Pregnancy Prevention Project have been a success and highlights the continued need for strong prevention programming.

In concluding, Dr. Hartman advised that Roanoke is the only site that has consistently evaluated program effectiveness, which is due to the funding and support that the project has received from the City of Roanoke.

(The item was sponsored by the City Manager.)

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

CITY GOVERNMENT: The City Manager presented a briefing on the City of Roanoke's accomplishments for the year 2003.

(For full text, see list on file in the City Clerk's Office.)

Within the next year, Council Member Dowe spoke in support of empowering the Youth Services Citizen Board to create its own comprehensive plan. He stated that those young persons who play a role in the decision-making of the City tend to return to the Roanoke area following completion of their college education.

Without objection by Council, the Mayor advised that the list of accomplishments would be received and filed.

ITEMS RECOMMENDED FOR ACTION:

PURCHASE/SALE OF PROPERTY-INSURANCE-BUDGET: The City Manager submitted a communication advising that historically, proceeds from the sale of surplus Vehicles/Equipment have been budgeted and recorded in the General Fund; and fiscal year 2004 adopted revenue estimate for the sale of fleet is \$100,000.00 within the General Fund.

It was further advised that Fleet Management received approval from the City Manager to use Vehicle/Equipment Surplus proceeds to supplement the funding of replacement of aged vehicles and equipment; from July 2003 to date, \$153,132.00 has been collected in surplus revenue from the sale of vehicular equipment; for fiscal year 2004, the projected revenue estimate for the sale of vehicle and equipment surplus is \$350,000.00 and this revised revenue estimate needs to be established in the Fleet Management Fund.

It was noted that insurance proceeds are also received by the Fleet Management Fund when third parties are required to pay the City for vehicular accidents; current year revenue estimate for such recoveries is \$7,000.00, but based on historical performance and current year expectations, an estimate of \$70,000.00 is more likely; and funding from insurance recoveries is used to make vehicular repairs or replacements as necessary.

The City Manager recommended that Council increase revenue estimates in the Fleet Management Fund for Sale of Surplus Property by \$250,000.00 and insurance recoveries by \$63,000.00; and appropriate funding of \$313,000.00 in the Fleet Management Fund to the Vehicular Equipment account.

Mr. Dowe offered the following budget ordinance:

(#36589-010504) AN ORDINANCE appropriating funds for vehicular equipment and revising the revenue estimates for sales of surplus vehicles and insurance recoveries, amending and reordaining certain sections of the 2003-2004 Fleet Management Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36589-010504. The motion was seconded by Mr. Cutler.

Council Member Bestpitch questioned the overall policy and whether a precedent is being established. He called attention to a current procedure which provides that if an activity within the City generates additional revenue through one means or another, such revenue will be automatically used for additional expenditures within the same activity.

The City Manager clarified that such is done on a case by case basis and not by unilateral policy in each City department. In this instance, she advised that it is not suggested that any revenue that was already anticipated for the City's General Fund would come out of the General Fund, but rather any additional revenue above the estimate would be placed in the Fleet Management Capital Maintenance and Replacement Program account to purchase replacement vehicles, as opposed to going back into a General Fund category.

Mr. Bestpitch questioned whether the funds would have been spent for the purposes proposed by the City Manager had the Council known about the additional revenue during budget study, or were there other needs in the budget that could have been addressed by using the additional funds. He stated that the number one responsibility of the City Council is to manage the budget process and to match budget numbers with City priorities in terms of policy. He expressed concern because it appears that Council is moving from a Council policy/approval to an administrative policy/approval in regard to how the budget will be managed.

The City Manager advised that the communication was presented to the Council for the express purpose of the Council either approving or not approving the recommended policy in terms of how monies should be spent in the future.

Council Member Cutler shared the concerns expressed by Mr. Bestpitch because there appears to be a windfall in terms of additional income that was not previously anticipated. He advised that further discussion is in order at a future budget study/work session of the Council.

The Mayor advised that the entire process should be reviewed and discussed by Council in a budget study/work session, and Council should maintain control over the budget process.

Mr. Bestpitch offered a substitute motion that the ordinance be referred to the Budget and Planning Committee for review. The motion was seconded by Mr. Cutler.

Mr. Fitzpatrick advised that the matter should be the topic of discussion in a broader sense at a future Council budget study session. He also spoke to the importance of providing incentives for department managers with regard to revenue producing issues.

The City Manager clarified that the recommended action is to increase revenues by \$250,000.00 and \$63,000.00, or a total of \$313,000.00; secondly, the recommendation is that any increase, which is an estimate based upon revenue to be collected through the balance of the fiscal year, will be placed in the Vehicular Equipment account and the money can only be used for vehicular replacement; and to date, the Vehicular Equipment Replacement account has not been adequately funded and the recommendation provides a means to build funding for that express purpose.

Following further discussion, Vice-Mayor Harris suggested that Council act on the recommendation of the City Manager, and the concerns of Council Members Bestpitch and Cutler in regard to handling future situations could be discussed at a meeting of the Budget and Planning Committee.

Mr. Bestpitch withdrew his substitute motion to refer the ordinance to the Budget and Planning Committee, and Mr. Cutler withdrew his second to the motion.

Ordinance No. 36589-010504 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

GRANTS-COMMUNITY PLANNING-BUDGET-HOUSING/AUTHORITY: The City Manager submitted a communication advising that in order to receive Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Shelter Grant (ESG) funding, the City of Roanoke must submit a five-year Consolidated Plan and Annual Updates to the U. S. Department of Housing and Urban Development (HUD); and substantial amendments to the plan must undergo a 30-day public review and comment period and be approved by Council.

It was further advised that at this time, the City has \$505,081.00 available in unanticipated CDBG program income and \$90,728.00 in unexpended prior-year CDBG funds that may be used to undertake new activities, or to expand current activities; much of the unanticipated program income results from a payment from The Hotel Roanoke, LLC (HRLLC) in excess of the amount budgeted (The HRLLC pays the City annually as a result of the HUD Section 108 loan that contributed to renovating the hotel); the City has identified seven activities of importance to the community to use the funds, which are summarized on an attachment to the report; in order to implement the proposed uses, each activity and its associated funding must be added to the current plan; and individually and collectively, the activities constitute a substantial amendment to the plan that must be approved by Council prior to implementation.

It was noted that the 30-day public review and comment period was conducted from November 25 to December 26, 2003, and no comments objecting to the intended amendments were received; and implementing use of the funds during the current year will have the added benefit of assisting the City in maintaining compliance with HUD's requirements concerning timely expenditures.

The City Manager recommended that Council approve amendments to the Consolidated Plan; and appropriate \$505,081.00 in excess program income to accounts designated by the Director of Finance and adjust revenue accounts accordingly.

Mr. Fitzpatrick offered the following budget ordinance:

(#36590-010504) AN ORDINANCE appropriating funds for the Community Development Block Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36590-010504. The motion was seconded by Mr. Dowe.

Council Member Bestpitch raised a question with regard to the public comment period and suggested, in the future, that an announcement be included on a City Council agenda that the public comment period has, or is about to commence, in order to make citizens aware of the opportunity to participate.

The City Manager responded to questions in regard to \$200,000.00 dedicated to the NNEO Fifth Street Gateway Project; \$100,000.00 for predevelopment cost of a multi unit rental housing for low and moderate income persons (planning and design); Villa Heights Recreation Center activities involving the replacement of major systems and components of the facility; and \$82,309.00 for curb, gutter and sidewalks or other improvements in the Hurt Park area, or other low and moderate income neighborhoods of the City.

It was mentioned by a Member of Council that on several occasions, a representative of the Hurt Park neighborhood has addressed Council with regard to alleged funds that were appropriated by the City for use in the Hurt Park neighborhood, and some form of communication should take place with representatives of the Hurt Park neighborhood to clarify the intended purposes of the \$82,000.00.

Ordinance No. 36590-010504 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36591-010504) A RESOLUTION approving certain amendments to the Five Year Consolidated Plan for Fiscal Year 2003-2004.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36591-010504. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-FIREARMS-CITY CODE: The City Manager submitted a communication advising that the City's Deer Management Program was implemented on November 10, 2003, and will finish on March 1, 2004; the proposed outcome of the program is the elimination of between 75 and 200 antler-less deer on City property; impact of the deer population has been reduced by 49 during the first 19 days of the program, thus, the average antler-less deer kill of 2.6 deer per program night; three retired Roanoke Police Officers hired as "shooters" for the program report that it is not uncommon to see a herd of five-ten deer each night and the ratio to antlered (young male) deer to antler-less (female) deer appears to be 10:1; and killing antler-less deer is the first priority of the program, however, in order to achieve the desired impact in reducing and controlling the City's deer population, the killing of antlered deer needs to become part of the program to allow thinning the herds at a much higher rate.

It was further advised that Section 21-80 of the Code of the City of Roanoke (1979), as amended, states that "it shall be unlawful for any person to shoot any gun, pistol or any other firearm within the limits of the city, except in the case of urgent necessity. This section shall not apply to members of the city police, persons authorized by the city to cull antlerless deer under the conditions of the Urban Deer Management Program permit (DPOP) granted to the City by the Virginia Department of Game and Inland Fisheries, members of the established armed forces and members of bona fide gun clubs, shooting on ranges approved by the city council and established in the city for their use, and persons shooting in licensed shooting galleries"; and there is no provision in Section 21-80 that allows for discharge of a firearm for the purpose of culling the antlered deer population.

It was explained that a proposed amendment to Section 21-80 states that: "persons authorized by the city to cull antlerless deer under the conditions of the Urban Deer Management Program Permit (DPOPP) granted to the City by the Virginia Department of Game and Inland Fisheries" will be allowed to discharge a firearm within the limits of the City; and the proposed amendment to Section 21-80 will enable the City to more fully implement its deer management plan.

The City Manager recommended that Council adopt an ordinance amending Section 21-80 of the City Code pertaining to the discharging of firearms.

Mr. Cutler offered the following ordinance:

(#36592-010504) AN ORDINANCE amending and reordaining §21-80, Discharging firearms, Article III, Weapons, of Chapter 21, Offenses – Miscellaneous, of the Code of the City of Roanoke (1979), as amended, exempting persons authorized by the City to cull male deer from the application of §21-80; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36592-010504. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-CMERP: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of November 2003.

Council Member Cutler inquired about the status of water line improvements at the Mill Mountain Zoo; whereupon, the City Manager called attention to an internal system to serve the Zoo itself and a planned improvement to which the internal system will be connected, both of which are currently underway, one through the Utility Lines budget and one through a specific appropriation to the Mill Mountain Zoo.

Dr. Cutler inquired about the status of water storage tanks in the vicinity of the Mill Mountain Zoo; whereupon, the City Manager advised that she would provide the information to Dr. Cutler after conferring with the Director of Utilities.

There being no further discussion, without objection by Council, the Mayor advised that the Financial Report for the month of November 2003 would be received and filed.

BUDGET-INSURANCE: The Director of Finance submitted a written report advising that Section 2-188.1 Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that at the conclusion of each fiscal year, \$250,000.00 to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; maximum balance of the reserve is three per cent of total General Fund appropriations for the concluded fiscal year; and as such, at June 30, 2003, \$250,000.00 was reserved in the General Fund for self-insured liabilities.

The Director of Finance recommended adoption of an ordinance that will appropriate the \$250,000.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund where the remaining self-insured reserve exists; and the measure also establishes a revenue estimate in the Risk Management Fund for said transfer, thereby increasing the Reserve for Self-Insured Liabilities.

Mr. Dowe offered the following budget ordinance:

(#36593-010504) AN ORDINANCE appropriating funds for vehicular equipment and revising the revenue estimates for sales of vehicles and insurance recoveries, amending and reordaining certain sections of the 2003-2004 Fleet Management Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36593-010504. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

COUNCIL-VIRGINIA MUNICIPAL LEAGUE: Mr. Cutler offered the following resolution expressing the desire of the City of Roanoke to host the Annual Meeting of the Virginia Municipal League in the year 2009.

(#36594-010504) A RESOLUTION extending an invitation to the Virginia Municipal League, expressing the desire of this Council that the City of Roanoke be the site for the Annual Meeting of the Virginia Municipal League in 2009.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Cutler moved the adoption of Resolution No. 36594-010504. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ACTS OF ACKNOWLEDGEMENT-INDUSTRIES: Council Member Cutler congratulated the owners of Black Dog Salvage upon relocating their business to 902 13th Street, S. W., for the purpose of establishing Memorial Bridge Market Place, which will transform a warehouse into an interior designer mall.

COMMITTEES-BUDGET: Vice-Mayor Harris, Chair, Budget and Planning Committee, advised that the 10:30 a.m., meeting of the committee will be deferred until Tuesday, January 20, 2004.

ARCHITECTURAL REVIEW BOARD-BRIDGES: Council Member Bestpitch acknowledged receipt of a communication from the Architectural Review Board in regard to the First Street Bridge replacement and potential uses for the historic structure. He requested that the communication be referred to the City Manager for report to Council on various options for preserving and utilizing the bridge in the future.

TRAFFIC-COMPLAINTS: Council Member Wyatt referred to a request of Mr. and Mrs. Lee L. Altice, 2515 Daleton Boulevard, N. E., with regard to the installation of no parking signs on the street while new construction is in progress. She advised that the developer is willing to work with the City and others to address the concerns of residents and requested that the matter be referred to the City Manager for report to Council.

HOUSING/AUTHORITY: Council Member Wyatt called attention to numerous older homes in the City of Roanoke that have been converted to apartments and suggested that the City, working in conjunction with the Roanoke Redevelopment and Housing Authority, identify available incentives to property owners who restore such dwellings to their original state.

ROANOKE CIVIC CENTER: Council Member Wyatt suggested that the floor at the Roanoke Civic Center be painted.

ACTS OF ACKNOWLEDGEMENT-ROANOKE CIVIC CENTER: Council Member Wyatt advised that the Roanoke Express Hockey Team is currently ranked third place in the Southern Division.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

CITY MANAGER COMMENTS: NONE.

At 4:00 p.m., the Mayor declared the Council meeting in recess for continuation of a closed session.

At 4:55 p.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Ms. Wyatt, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Cutler, Dowe, Fitzpatrick and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was not in the Council Chamber when the vote was recorded.)

There being no further business, the Mayor declared the meeting adjourned at 5:00 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
